

Mr. CHAMBERS. I am happy to perceive that the occasion for rebuke did not exist, but I must in candor say to the gentleman I was not alone in supposing him to have used the remark attributed to him, and certainly nothing was farther from my design than to attribute to him more than he had said.

Mr. GWINN. The gentleman from Queen Ann's (Mr. Grason) did not so understand me.

Mr. CHAMBERS. I will acknowledge with great gratification that it was my misunderstanding. Whenever such a question arises between the gentleman and myself, I shall infinitely prefer that the fault is to be charged to some infirmity on my part, rather than to an unkind remark of his.

To proceed then, I have again to express my regret at the introduction of this question. It is calculated to place some of us in a false position, by the appearance of not enforcing a practice of which we approve. Believing, as I do, that to adopt this provision would violate the Constitution of the United States, I feel bound in candor to say so. That Constitution, in the name of the people of the United States, by whose authority it was made, has delegated to the States, as States, certain powers, amongst which this of electing Senators is one. It seemed to be assumed that the States, as such, had all power of sovereignty, except such as are in terms denied to them or given by words of exclusion to the General Government. Not so, sir, the powers reserved are reserved according to the letter of the instrument to the States or "to the people." I apprehend it will be a position difficult to defend, that the States, as such, can exercise any portion of the sovereign power of the "people of the United States," except the State claiming to do so can find an express grant of that power. I suppose the people of the United States would be competent now as they were in 1787, when the present Constitution was framed, to make a new form of government without any intervention of State legislatures. It is not necessary, however, to discuss this question, it does not arise in this case. No claim is made but under the term of the grant. These terms authorize the State to prescribe the times of the election, the places of holding elections and the manner of holding elections. And here, sir, I will take occasion to say a word in reply to my friend from St. Mary's, (Mr. Blakiston.) With declarations of "the utmost diffidence and of a very humble desire to acknowledge his inferiority," my friend—whose sincerity in this respect of course I must not doubt—nevertheless made a long argument, in which he expressed in the strongest terms his thorough conviction. His point is, that as the Legislature could make districts for members of the House of Representatives, therefore they could adopt this provision. Now, sir, the vice of this argument is not in the premises, but in the conclusion. There can be no doubt that the Legislature can designate districts, within which members of the House of Representatives are to be chosen, because the plain words of the Constitution give the authority to "prescribe the place

of holding the election" for members of the House, but it is expressly denied in respect "to the place of choosing Senators." But suppose that distinction not to exist, as it does, between the cases, the material question yet remains, can the legislature designate the place—not "of holding the election"—but "of the residence of the candidate?" The difference is obvious and the reasons for it are obvious.

Questions touching the qualification of voters, and when and where and how they should vote, were precisely those which each State had to settle for itself, in its own internal government, and it was not only fit, but in fact essential, that no other mode should be required by the General Government. To do so would disturb not only fixed habits of convenience, but of propriety, and for no useful purpose, offend the feelings of a large class. But as the qualifications of the representative, it was just as fit and proper that the General Government alone should have exclusive control. All were to act together, all to have equal power, all should have equal respect, all should be equally qualified.

It was therefore held, and, in my judgment, rightly held, by the House in the disputed election cases, that while the division into districts was perfectly proper, and obliged the voters to cast their ballots in the district designated, yet the voters residing in that district might elect a member from any other district; the candidate need not reside in the district. The analogy of the cases, then, does not exist, as my friend supposed; it fails in the only particular in which it could avail his purpose, and he must perceive can be used directly against his position. The Legislature has power to prescribe the "place of election" in regard to representatives, and yet it cannot prescribe the "place of a candidate's residence;" therefore a fortiori it cannot prescribe the place of residence for a Senator, in respect to whom it has not that power. To press such an argument as is urged on the other side, will end in nothing short of a power in the Legislature, and of course, as is conceded by Congress also, to prescribe the house in which the individual shall reside, and all the points of character, political, moral, or religious, which he must possess, to enable him to accept a seat when tendered to him by the Legislature. If the gentleman from Prince George's feels the force of this brief argument, I shall be exceedingly gratified to have the Convention saved, and to be saved myself, from the unpleasant duty of voting against his proposition.

Mr. BOWIE said that he found himself in company with his friend from St. Mary's, (Mr. Blakiston,) apparently in a very small minority, in reference to the constitutionality of the provision proposed to be inserted in the Constitution. He supposed he should find himself in a very large majority in reference to the propriety of the measure itself; and if the Convention could be satisfied that they had the constitutional power to incorporate such a provision, he had no doubt, judging from the regrets of his friends from the Eastern Shore, that they would very gladly embrace the